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Letter dated 9 January 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to draw your attention to some disturbing statements made by General Yasar Buyukkanit, Commander of the land forces of the Turkish army, during his illegal visit last January 2005 to the occupied areas of the Republic of Cyprus. As reported on Turkish NTV television on 25 January, General Buyukkanit, after meeting with the Turkish Cypriot leader Rauf Denktash, said "Not even a single soldier will leave from here [Cyprus] before a final and lasting agreement is achieved." This provocative statement was seconded by General Ilker Basboug, the Turkish Deputy Chief of the General Staff, during a press conference in Ankara on 26 January, who said that Buyukkanit's statement reflects the views of the General Staff and of the Turkish Government and added that the withdrawal of troops from Cyprus is not on Turkey's agenda. Furthermore, the Turkish Foreign Ministry spokesman, Namik Tan, asked during his news conference on 26 January to comment on that statement, stated, "had the Greek Cypriot side approached the Annan plan positively, the current security problems would have been solved."

It should be stressed from the outset that the root cause of the Cyprus problem is the continuing Turkish occupation of the northern part of Cyprus. It is due to the occupation troops that Cyprus remains the last divided country in Europe and massive human rights violations of all Cypriots continue to this day, despite the calls of United Nations resolutions and the European Court decisions for their termination. The withdrawal of the Turkish occupation troops from Cyprus is a long-standing demand of the United Nations Security Council and General Assembly, as well as of the European and Council of Europe Parliaments, as reflected in their numerous resolutions and decisions. This demand is unconditional and not tied to a political settlement.

On 20 July 1974, the day of the Turkish invasion of Cyprus, the Security Council adopted resolution 353 (1974) which demanded "an immediate end to foreign military intervention in the Republic of Cyprus" (para. 3) and requested "the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements" (para. 4).

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Resolution 550 (1984) expressed concern about "secessionist acts in the occupied part of the Republic of Cyprus" (sixth preambular para.) that further consolidate the division of the island. Furthermore, General Assembly resolution 37/253 of 13 May 1983 deplored the fact that "part of the territory of the Republic of Cyprus is still occupied by foreign forces" (eighth preambular para.) and considered "the withdrawal of all occupation forces from the Republic of Cyprus as an essential basis for a speedy and mutually acceptable solution of the problem of Cyprus" (para. 7). Similarly, a European Parliament resolution of 21 January 1993 and subsequent resolutions call upon the Government of Turkey to withdraw its occupation troops from the Republic of Cyprus in accordance with the relevant United Nations resolutions. Turkey's wrongful act against Cyprus violates the principle of the inadmissibility of occupation and acquisition of territories by force (see General Assembly resolution 37/253). This is an indisputable fact that cannot change, until it is corrected by the side that flouts the rules and principles of international law.

The above-mentioned statements by the Turkish Government prove beyond a doubt that in reality there is no change in Turkish policy on Cyprus. On the contrary, after the 24 April 2004 referenda, certain Turkish acts indicate an even more arrogant behaviour on the part of Ankara and an effort by the Turkish Government to create new faits accomplis by intensifying the colonization policy and construction on illegally usurped Greek Cypriot properties in the occupied north. Using as a springboard the Annan plan, which in any case would only partially restore the legal right of displaced persons to return and regain their properties, while it would allow the settlers to continue their stay on such properties, Turkey's subordinate local administration embarked on a frenzy of unprecedented construction and "property sale" in the occupied north and on an unlawful transfer of a new wave of settlers from Turkey under the pretext that they were "construction workers". It is not surprising that in August 2004 Ahmet Uzun, the so-called Finance Minister of the occupying regime, stated that the United Nations plan provided an incentive to build on Greek Cypriot property in the occupied part, because persons investing in such property could have had priority over legitimate Greek Cypriot refugee title-holders in the matter of ownership. According to the 1964 Land Registry record, approximately 82 per cent of the privately owned land in the occupied areas was owned by Greek Cypriots, while the Turkish Cypriots owned approximately 16.7 per cent. These figures were still valid in 1974.

With regard to settlers, it has been reported that an additional 40,000 Turkish nationals claiming to be "seasonal workers" have been brought to the occupied northern part in 2004 alone. Many of the new arrivals reside in abandoned or derelict homes and in buildings that are currently under construction. All this confirms Turkish Cypriot press reports that Turkey aims to increase its population in Cyprus to 400,000.

In this respect, we wish to draw your attention to a most relevant finding on the issue by Rapporteur Jaakko Laakso of the Council of Europe in his report "Colonization by Turkish settlers of the occupied part of Cyprus", dated 2 May 2003. He stated in paragraph 42 that change in the demographic structure of Cyprus already under way creates a real threat that in the long term the considerable increase in the numbers of the Turkish-speaking population might be used as a justification of the inordinate claims of the Turkish side regarding territorial arrangements and political powers in a final settlement of the Cyprus problem.

It should also be noted that since 1974 Turkey has been pursuing a deliberate policy of changing the demographic character of the occupied areas of the Republic of Cyprus by a systematic transfer of large parts of its population from Anatolia, Turkey, to the occupied areas, allocating to them properties and land belonging to Greek Cypriot refugees who in 1974 fled the area as a result of the invasion and have not returned since then due to the continuing occupation. As a consequence, the transfer of settlers from Turkey to Cyprus has caused the gradual outflow of indigenous Turkish Cypriots, who in 1974, totalled about 118,000, or about 18 per cent of Cyprus's population. Today, Turkish settlers are estimated at more than 160,000 and they outnumber by far the Turkish Cypriots, whose numbers are estimated at 87,600. Were the more than 35,000 Turkish troops stationed on the island added to this number, the number of non-Turkish Cypriots would reach 195,000 persons, or almost 70 per cent of the inhabitants of the occupied north.

Following the 17 December decision of the European Council to open accession negotiations with Turkey, it is expected that the Turkish Government will:

(a) Immediately introduce in the occupied areas a moratorium on all construction activities (possibly excepting the ordinary maintenance of already finished structures and/or the demolition of irredeemably hazardous structures) not consented to by the lawful property owners. Furthermore, and in relation to the point just made, the Republic of Cyprus demands that the Republic of Turkey immediately assent to the conduct as soon as possible, in the occupied areas, of an internationally supervised census, which will comprehensively profile, inter alia, the current usage of immovable properties, which in 1974 belonged

(i) To persons who were dispossessed of the said properties because of the events of 1963 and 1964, and whose dispossession continued after the events of 1974;

(ii) To persons who were dispossessed of the said properties because of the events of 1974;

(b) Immediately introduce a moratorium on the influx into the occupied areas of non-Cypriot citizens ("settlers"), immediately begin to facilitate the repatriation of settlers already in Cyprus and immediately assent to the conduct as soon as possible, in the occupied areas, of an internationally supervised census, which will comprehensively profile, inter alia, the nationality of persons residing there.

The accession of the Republic of Cyprus to the European Union on 1 May 2004 provides a new and exceptional context for peace and reconciliation. The Government of Cyprus has amply demonstrated its determination and good will to bring Turkish Cypriots on board and give them the opportunity to enjoy the benefits of the European Union. It was the Cyprus Government, on 26 April 2004, at the Meeting of the Council of the European Union, that tabled sound proposals for economic assistance for the Turkish Cypriot community. The Cyprus Government has worked in good faith for the adoption of subsequent conclusions of the Council aimed at facilitating the reunification of Cyprus by encouraging Turkish Cypriot economic development, with particular emphasis on the economic integration of the island and on improving contacts between the two communities and with the European Union. The regulation on financial assistance of 259 million euros for the Turkish Cypriots, based on proposals by the Cyprus Government, is intended to

encourage the Turkish Cypriot community to see that its future rests in a united Cyprus within the European Union.

It should be recalled that the Government of Cyprus has been implementing since last year a package of measures for the benefit of the Turkish Cypriots, so that they can enjoy, to the maximum extent possible and within the framework of the European Union acquis and international law, all benefits emanating from Cyprus's membership in the European Union. In addition, further measures were adopted in the fields of demining, military disengagement and the opening of additional crossing points along the ceasefire lines, so as to enhance confidence-building and cooperation between Greek Cypriots and Turkish Cypriots, thus facilitating the goal of the reunification of the island and its people. Additionally, on 4 February the Cyprus Government and the European Commission reached an agreement of great importance on the implementation of the Green Line regulation which extends intra-island trade and exports of Turkish Cypriot products to the European Union, through the legal ports and airports of the Republic.

It is unfortunate that, for political and not economic purposes, the regulations on trade and on financial assistance are not yet in effect, as the Turkish Cypriot leadership and the Turkish Government, with the support of certain other countries, insist on opening the ports and airports in the occupied areas. Regrettably, the Turkish Cypriot leadership, by raising obstacles to the implementation of both Government and European Union measures towards the Turkish Cypriots, is sacrificing the well-being of its own community for purely political gains.

The Cyprus Government reiterates its commitment to assist in the economic advancement of the Turkish Cypriots, but at the same time underlines that any measures taken in this direction should not serve, in any way, as a pretext for promoting the secessionist aims of the Turkish leadership. Attempts to upgrade the "status" of the secessionist entity created by force in the north of Cyprus, in violation of international law and condemned by Security Council resolutions 541 (1983) and 550 (1984), are totally unacceptable and should be abandoned.

On 17 December, the European Union decided to give Turkey a date for the start of accession negotiations with the European Union. This historic decision for Turkey would never have been made possible without the consent of the Republic of Cyprus, which during the negotiations demonstrated immense good will, as acknowledged by all. It is hoped that the Turkish Government, in view of its European aspirations, will reciprocate the good will shown by the Government of Cyprus and will soon start working towards meeting its obligations emanating from its European candidacy. It is also hoped that Turkey will soon come to realize that its present policy of promoting a separate political entity for the areas of the Republic of Cyprus under its military control is neither helpful nor a positive contribution to the efforts for the resumption of the talks for the solution of the Cyprus problem. Moreover, this separatist policy of the Government of Turkey is impeding the efforts of the Cyprus Government to accelerate the economic progress of the Turkish Cypriot community.

We call upon the Government of Turkey to adopt a similar constructive approach to the Cyprus problem and at long last abandon efforts that undermine the sovereignty of the Republic of Cyprus. The Turkish side needs to move beyond rhetoric aimed at diverting attention away from its obligations and responsibilities towards Cyprus and the European Union. Turkey must demonstrate genuine good

will by cooperating in a positive spirit in order to create the conditions that would render the resumption of the talks possible, taking into consideration the new European dimension of the Cyprus problem. The Cyprus Government is committed to do its utmost to create conditions that would allow the resumption of the United Nations Secretary-General's good offices mission, in order to freely reach a mutual agreement for a comprehensive settlement of the Cyprus problem without any artificial time constraints.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**